

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address RON BENDER (SBN 143364) BETH ANN R. YOUNG (SBN 143945) KRIKOR J. MESHEFEJIAN (SBN 255030) LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P. 2818 La Cienega Avenue Los Angeles, California 90034 Telephone: (310) 229-1234 Facsimile: (310) 229-1244 Email: RB@LNBYG.COM; BRY@LNBYG.COM; KJM@LNBYG.COM <input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Attorney for: Chapter 11 Debtors in Possession</i>	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: AGTJ13, LLC, a Delaware limited liability company <hr style="width: 30%; margin-left: 0;"/> AGTJ13 Manager, LLC, a California limited liability company X Affects AGTJ13, LLC <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 2:24-bk-11409-SK (Lead Case) ADVERSARY NO.: <i>(if applicable)</i> CHAPTER: 11 Jointly Administered with Case No. 2:24-bk-11412-SK
<div style="text-align: center; padding-top: 20px;"> Plaintiff(s) <i>(if applicable)</i>. vs. Defendant(s) <i>(if applicable)</i>. </div>	NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): AGTJ13, LLC and AGTJ13 Manager, LLC

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:
 For appeals in an adversary proceeding.
☐ Plaintiff
☐ Defendant
☐ Other (*describe*):

 For appeals in a bankruptcy case and not in an adversary proceeding.
☒ Debtor
☐ Creditor
☐ Trustee
☐ Other (*describe*):

Part 2: Identify the subject of this appeal

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
Order Granting Motion For Relief From The Automatic Stay Under 11 U.S.C. § 362 (Real Property)
[Docket Entry No. 187]
A copy of the order is attached hereto.
2. State the date on which the judgment—or the appealable order or decree—was entered: 07/12/2024

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: CPIF California, LLC

Attorney:

Benesch, Friedlander, Coplan & Aronoff LLP: Michael Barrie, Jacob Marshall, Krista M. Enns, Antonia
Stabile, Kevin M. Capuzzi, Elliot M. Smith
100 Pine Street, Suite 3100
San Francisco, CA 94111
Tel: 628-600-2250

2. Party: Lone Oak Fund, LLC

Attorney:

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP: Simon Aron, Elsa Horowitz
11400 West Olympic Boulevard, 9th Floor
Los Angeles, CA 90064-1582
Tel: (310) 478-4100

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/ Krikor J. Meshefejian

Date: 07/26/2024

Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP Krista M. Enns, Cal. Bar No. 206430 Antonia Stabile, Cal. Bar No. 329559 Kevin M. Capuzzi (Pro Hac Vice) Elliot M. Smith (Pro Hac Vice) 100 Pine Street, Suite 3100 San Francisco, California 94111 Telephone: 628-600-2250 Emails: kenns@beneschlaw.com astabile@beneschlaw.com kcapuzzi@beneschlaw.com esmith@beneschlaw.com <i>Attorney for Movant</i> <i>Movant appearing without an attorney</i>		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 10px; text-align: center;">FILED & ENTERED JUL 12 2024 CLERK U.S. BANKRUPTCY COURT Central District of California BY may DEPUTY CLERK</div>
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION		
In re: AGTJ13, LLC a Delaware limited liability company Debtor(s). -----	LEAD CASE NO.: 2:24-bk-11409-SK CHAPTER: 11 JOINTLY ADMINISTERED WITH: CASE NO. 2:24-bk-11412-SK	
In re: AGTJ13 Manager, LLC, a California limited liability company Debtor(s) -----	ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)	
<input type="checkbox"/> Affects All Debtors <input checked="" type="checkbox"/> Affects AGTJ13, LLC <input type="checkbox"/> Affects AGTJ13 Manager Debtor(s).	DATE: July 10, 2023 TIME: 8:30 a.m. COURTROOM: 1575 PLACE: 255 E. Temple Street Los Angeles, California 90012	
Movant: CPIF California, LLC		

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation

2. The Motion affects the following real property (Property):

Street address: 450 South Western Avenue

Unit/suite number: _____

City, state, zip code: Los Angeles, CA 90020

Legal description or document recording number (including county of recording):

See legal description and document recording number set forth on that certain Deed of Trust, Assignment of Leases and Rents, Assignment of Contracts, Security Agreement, and Fixture Filing dated as of January 10, 2022, which was recorded in the Official Records of the Recorder's Office of Los Angeles County, California on January 14, 2022, as Instrument No. 20220057045, a true and correct copy of which is attached as Exhibit 6 to the Declaration of Robert Shields in Support of Motion of CPIF California, LLC for Relief from the Automatic Stay (Doc 154-6), and which legal description is also set forth as follows:

5273054v1 | 101507-0002

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3, 4, 37, 38, 39, 40 AND THE SOUTH 10 FEET OF LOT 36 OF TRACT NO. 1624, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21 PAGE 58, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5503-014-020

☐ See attached page.

3. The Motion is granted under:

- a. ☐ 11 U.S.C. § 362(d)(1)
- b. ☐ 11 U.S.C. § 362(d)(2)
- c. ☒ 11 U.S.C. § 362(d)(3)
- d. ☐ 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:

(1) ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or

(2) ☐ Multiple bankruptcy cases affecting the Property.

(3) ☐ The court ☐ makes ☐ does not make ☐ cannot make a finding that the Debtor was involved in this scheme.

(4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.

4. ☒ As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:

- a. ☒ Terminated as to the Debtor and the Debtor's bankruptcy estate.
- b. ☐ Modified or conditioned as set forth in Exhibit _____ to this order.
- c. ☐ Annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant to enforce its remedies regarding the Property do not constitute a violation of the stay.

5. ☒ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable nonbankruptcy law, but may not pursue any deficiency claim against the Debtor or property of the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

6. ☐ Movant must not conduct a foreclosure sale of the Property before (date) _____.


7. ☐ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Agreement contained within this order.

8. ☐ In chapter 13 cases, the trustee must not make any further payments on account of Movant's secured claim after entry of this order. The secured portion of Movant's claim is deemed withdrawn upon entry of this order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant must return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this order.

9. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, as to the same terms and conditions as to the Debtor.
10. ☒ The 14-day stay as provided in FRBP 4001(a)(3) is waived.
11. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
12. Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor by telephone or written correspondence to offer such an agreement.
13. Upon entry of this order, for purposes of Cal. Civ. Code § 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code § 2920.5(c)(2)(C).
14. ☐ A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion
- (a) ☐ without further notice.
- (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
15. ☐ This order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.
16. ☐ This order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion:
- (a) ☐ without further notice.
- (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
17. ☐ This order is binding and effective in any future bankruptcy case, no matter who the debtor may be
- (a) ☐ without further notice.
- (b) ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
18. ☐ Other (*specify*):

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Date: July 12, 2024


Sandra R. Klein
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
2818 La Cienega Avenue, Los Angeles, CA 90034

A true and correct copy of the foregoing document entitled **NOTICE OF APPEAL AND STATEMENT OF ELECTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **July 26, 2024** I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Simon Aron saron@wrslawyers.com, moster@wrslawyers.com
- Ron Bender rb@lnbyg.com
- Kevin M Capuzzi kcapuzzi@beneschlaw.com, docket2@beneschlaw.com;lmolinaro@beneschlaw.com
- Marie E Christiansen mchristiansen@vedderprice.com, ecfladocket@vedderprice.com,marie-christiansen-4166@ecf.pacerpro.com
- Ryan J DeRose ryan@parkandlim.com, cathy@parkandlim.com
- Krista M Enns KEnns@beneschlaw.com, docket2@beneschlaw.com;SWolfish@beneschlaw.com;rkrueger@beneschlaw.com
- Alan Craig Hochheiser ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
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- Ron Maroko ron.maroko@usdoj.gov
- David W. Meadows david@davidwmeadowslaw.com
- Krikor J Meshefejian kjm@lnbyg.com
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Gerrick Warrington gwarrington@frandzel.com, achase@frandzel.com
- Beth Ann R. Young bry@lnbyg.com, bry@lnbyb.com

2. SERVED BY UNITED STATES MAIL: On **July 26, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **July 26, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service **BY EMAIL** information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 26, 2024
Date

Lourdes Cruz
Printed Name

/s/ Lourdes Cruz
Signature

Notice of Appeal Service List

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